

REMARKS

The following remarks are in response to the Office Action of November 25, 2008. Claims 12 and 14-19 are pending in the application. Claims 1-9 and 13 have been canceled. Claims 12, 14, and 15 have been amended. Claims 16-19 are new claims. Reconsideration and allowance of the application is respectfully requested. No fee in addition to the two month Extension of Time is believed to be required with the instant response, however the Office is authorized to charge any required fees to Deposit Account 50-0958.

Amendments to the Drawings

Replacement sheets 1B and 2B containing Figures 1-6 are attached to the present amendment. On replacement sheet 1B, Figure 2 has been amended to correct the version of Figure 2 submitted on September 22, 2004. As amended in the present paper, Figure 2 is consistent with the originally filed drawings of April 16, 2004. The September 22, 2004 version of Figure 2 does not include the glass beads 50, which were included in the originally filed figure. The instant amendment to Figure 2 includes the glass beads 50.

On replacement sheet 2B, Figure 5 has been amended to correct the version of Figure 5 submitted on September 22, 2004. As amended in the present paper, Figure 5 is consistent with the originally filed drawings of April 16, 2004. The September 22, 2004 version of Figure 5 included an elongated housing having both sections 20 and 20'. However, as originally filed, Figure 5 does not include section 20. Figure 5 as corrected includes only section 20' and not section 20. In Figure 6, an erroneous arrow as been deleted. Applicant

has also provided a marked-up annotated sheet to more clearly illustrate the changes. No new matter has been added.

Amendments to the Specification

The present response amends paragraph [0017]. Paragraph [0017] as amended includes the language, “the guide rods have a diameter of about 0.7mm.” Paragraph [0017] also includes the language, “FIG. 6 also shows the distance between the closely spaced guide rods to be about 1.1mm.” The language merely repeats dimensions provided in the originally filed drawings. Thus, no new matter has been added.

35 USC § 112 Rejections

Claims 3-6, 8, and 9 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The instant response cancels claims 3-6, 8, and 9. Thus, issues regarding these claims are rendered moot.

35 USC § 103 Rejections

Claims 1-9 and 12-15 have all been rejected under 35 USC § 103(a), under different combinations of prior art. For example, claims 1 and 3 has been rejected as being unpatentable under “admitted prior art” in view of Wolfson (US 3,198,005). In making the rejections, the examiner also cites prior art references to Trevarro (US 4,561,815), Familletti (US 5,081,036), Peyton (5,641,642), Roth (US 5,833,857), Rigg (5,910,434), and Gaugler

(US 6,432,698). As outlined above, claims 1-9, and 13 have been cancelled, and claims 12, 14, and 15 have been amended. Claims 16-19 are new.

Amendments to the Claim 12

As amended, claim 12 requires, *inter alia*, an axially elongated housing having, a top housing section having one or more diameters, a middle neck portion having a funnel-like shape, a mid-housing having a rectangular cross section, and a lower neck portion having a funnel-like shape. Claim 12 further requires, *inter alia*, a cylindrical lower housing section extending below the mid-housing section and attached to the mid-housing section via the lower neck portion with the cylindrical lower housing having a diameter smaller than a diameter of the top housing section. Applicant respectfully argues that the prior art does not teach or suggest the claimed arrangement for an axially elongated housing. Thus claim 12 is allowable over the prior art.

As shown in Figures 1, 2, 3, 5, and 6 of the originally submitted drawings, Applicant's axially elongated housing is stepped, including cylindrical and rectangular housing sections separated by narrowing neck portions. As outlined in the specification, with respect to the embodiment of Figures 1-4, the arrangement provides for a relatively high ratio (above 10 square centimeters per milliliter) for internal surface area in the housing chamber 32 on the slides 42 and the beads 50, to the volume of the infeed liquid being processed. The prior art references to Wolfson, Trevarro, Familletti, Peyton, Roth, Rigg, and Gaugler, neither singly or combined, teach or suggest Applicant's axially elongated housing. Thus, Applicant respectfully submit that claim 12 is allowable over the prior art.

Claims Depending from Claim 12

Claims 14-19, which depend from claim 12, are also allowable because they include the limitations of claim 12. Furthermore, claims 14-19 each include additional limitations. These additional limitations further separate Applicant's invention from the prior art.

Claim 16 requires, *inter alia*, the top housing section to have a cylindrical sealable top portion having a first diameter, an upper neck portion having a funnel-like shape, and a cylindrical upper housing portion extending below the top portion. Claim 16 further requires, *inter alia*, the rectangular holder the rectangular holder having *outer walls that contact walls of the mid-housing section*, and being *supported on the lower neck portion* which prevents the holder from sliding down to the testing chamber. [Emphasis added.] Applicant respectfully argues that the prior art does not teach or suggest the claimed arrangement for an axially elongated housing. Thus 16 claim is allowable over the prior art.

As outlined above, the prior art references to Wolfson, Trevarro, Familletti, Peyton, Roth, Rigg, and Gaugler, neither singly or combined, teach or suggest Applicant's axially elongated housing, including the top housing section outlined in claim 16. Furthermore, as shown in Figures 2 and 3, Applicant teaches the rectangular holder 44 contacting the walls of the mid-housing section, and being supported on the lower neck portion. This provides a stable arrangement in which the holder is ably supported and is prevented from sliding down into the testing chamber. The prior art, either combined or taken singly, do not teach or suggest the claimed arrangement.

Claim 17 requires *inter alia*, the mid-housing section having two oppositely positioned side walls, and a plurality of closely spaced guide rods running upwardly along each of the two oppositely positioned side walls. Claim 17 further requires, *inter alia*,

adjacent guide rods along each of the two oppositely positioned side walls to form grooves through which the one or more slides may be slid, and *wherein the grooves and the lower neck portion support the one or more slides in an upright position* within the mid housing section. [Emphasis added.] Applicant respectfully submits that the prior art either combined or taken singly, do not teach or suggest the claimed arrangement.

Figure 6 shows guide rods 54. Also shown is the formation of grooves between guide rods 54 for placing slides. Figure 6 also shows the lower neck portion 55 positioned to support the slides thereon. The prior art references to Wolfson, Trevarro, Familletti, Peyton, Roth, Rigg, and Gaugler, neither singly or combined, teach or suggest Applicant's arrangement for supporting slides within the housing.

Conclusion

In view of the foregoing remarks, Applicants respectfully request reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims. Should the Examiner feel that there are issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below

Respectfully submitted,

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/Dave Ghatt/

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